Statement of Rep. Patricia Schroeder
Before the Subcommittee on Compensation and Employee Benefits
Committee on Post Office and Civil Service
At Hearings on H.R. 4599, the Federal Employees' Pay Equity Act of 1984, and H.R. 5092, the Pay Equity Act of 1984
April 3, 1984

I am delighted to be testifying today in support of H.R. 4599, the Federal Employees' Pay Equity Act of 1984 and H.R. 5092, the Pay Equity Act of 1984. Chairwoman Oakar has turned the subcommittee's attention to the Administration's abysmal record on pay equity -- and the need for a prod from this end of Pennsylvania Avenue.

The Reagan Administration has done a bad job in enforcing civil rights generally; it has done an especially bad job in enforcing the law on pay equity. In its dual roles as the enforcer of anti-discrimination laws and as the country's largest single employer, the federal government sets an example for the rest of the country. When that example is "do nothing," we risk losing pay equity to the drag of inertia.

This Administration wants women to follow the opposite of John Mitchell's famous dictum: "Watch what we do, not what we say." The Administration wants us to listen to their soothing words, but ignore their paralysis on pay equity. Women won't be fooled; after all, we are the biggest consumers of cosmetics. We know the difference been what is real and what is cosmetic.

Pay equity is a fundamental civil rights issue. Wage discrimination based on sex keeps women's wages 41 percent below men's wages. Segregation of women into low-paying, low-status, dead-end jobs is a major contributing factor to the feminization

of poverty, a trend which should concern us all quite deeply.

Chairwoman Oakar's two pay equity bills are some of the most important pieces of feminist legislation before the Subcommittee, ranking along with H.R. 2300, which would provide fair retirement and survivor benefits to divorced spouses of Civil Service employees, and H.R. 656, which would protect divorced spouses from the automatic loss of health insurance coverage.

Twenty years ago, in Title VII of the Civil Rights Act of 1964, Congress prohibited wage discrimination against women. In that law, Congress made it clear that it is illegal for an employer to pay women less than men to perform jobs requiring comparable skill, effort, and responsibility. In 1981, the United States Supreme Court upheld that law in its decision in Gunther v. County of Washington. Yet, the federal government has failed to make any effort to eliminate wage discrimination. The Equal Employment Opportunity Commission, the Justice Department, the Office of Personnel Management, and the Department of Labor have all sat on their hands.

For this reason, on January 25th I introduced the Pay Equity Resolution, which currently has 75 co-sponsors. H.Con.Res. 244 condemns the administration for its failure to enforce Title VII of the Civil Rights Act of 1964. It is a sense-of-Congress resolution calling on executive branch agencies to enforce the law, both in the public sector and the private sector. The resolution sends a clear statement of congressional intent to the agencies that are charged with enforcing the law.

Madame Chairwoman, your hearings come at a time when the

Reagan Administration is considering whether to intervene in the appeal of a landmark pay equity case, AFSCME v. State of Washington. On December 14, 1983, U.S. District Court Judge Tanner ruled that Washington State had violated Title VII by discriminating against women in setting wages. I believe the decision was right as a matter of law.

I wrote to President Reagan urging him not to challenge the AFSCME decision. I received a non-committal reply from William Bradford Reynolds.

The Administration's reaction to AFSCME's pay equity case is troubling for two reasons. First, the facts show that Washington State had clearly discriminated against its women employees in setting wages. The Administration cannot pay lip service to the concept of pay equity and then challenge a decision putting that concept into effect. Second, AFSCME's wage discrimination complaint was presented to the EEOC on September 16, 1981. If EEOC had done its job then, the Washington State employees might not have had to take their case to court.

During the 1982 joint hearings which we co-chaired along with Rep. Ferraro, questions were raised concerning the Administration's commitment to putting pay equity into practice. The federal government's job evaluation and classification process, while sex-neutral in theory, carries with it the private sector's baggage regarding the value of work traditionally done by women. I'm glad to see your bills address this problem.

Pay equity is the major economic issue for women in this decade. Yet the Administration has sidestepped criticism of its

paralysis on pay equity by pointing to federal action on the narrower issue of intentional wage discrimination. This is unacceptable. Pay equity has a broad scope, holding out the promise that women will be paid fair wages based on the value of their work. Eradicating intentional wage discrimination is a part of that promise; but we won't settle for anything less than the full amount.